

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Bruce Taylor, Utilities Director 954-327-3741

PREPARED BY: Le Nguyen, P.E., Acting Town Engineer (954) 797-1193

SUBJECT: Resolution

AFFECTED DISTRICT: 1

ITEM REQUEST: Schedule for Council Meeting

TITLE OF AGENDA ITEM: AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE UTILITY AGREEMENT ACCEPTING THE UTILITY EASEMENT FROM NOVA SOUTHEASTERN UNIVERSITY, INC; AND PROVIDING FOR AN EFFECTIVE DATE.

EXECUTIVE SUMMARY: The Town Engineering Staff has determined that it is in the best interest of the Town of Davie to accept the Utility Easement within College Avenue from Nova Southeastern University, Inc. A copy of the utility easement is attached to the accompanying resolution and Town Council approval is necessary for the Town to accept the needed utility easement and to authorize the recordation of same in the Public Records of Broward County, Florida

KEY POINTS:

- **Nova Southeastern University wishes to give a utility easement to the Town of Davie for future use.**

CONCURRENCES:

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

If yes, expected cost: \$

Account name and number:

If no, amount needed: \$

What account name and number will funds be appropriated from:

Additional Comments:

RECOMMENDATION(S): Motion to approve resolution

Attachment(s): Resolution, utility easement, and sketch of survey

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE MAYOR TO EXECUTE THE UTILITY
AGREEMENT ACCEPTING THE UTILITY EASEMENT FROM
NOVA SOUTHEASTERN UNIVERSITY, INC; AND PROVIDING
FOR AN EFFECTIVE DATE.

WHEREAS, Nova Southeastern University, Inc. wishes to dedicate the utility
easement to the Town of Davie;

WHEREAS, the Town Council of the Town of Davie deems it to be in the best
interests of the Town to accept the Utility Easement with Nova Southeastern University,
Inc;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN
OF DAVIE, FLORIDA.

SECTION 1. The foregoing “Whereas” clause is hereby ratified and confirmed as
being true and correct and is incorporated herein by this reference.

SECTION 2. In accepting the recommendation of Town staff, the Town Council
of the Town of Davie, Florida, hereby accepts the Utility Easement with Nova
Southeastern University, Inc and authorized the Mayor to execute the Utility Easement, a
copy of which is attached.

SECTION 3. The Town Council hereby authorizes the proper Town officials to
record the documents in the Public Records of Broward County, Florida

SECTION 4. This resolution shall take effect immediately upon its passage and
adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2010

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2010

Prepared by:
Hope W. Calhoun, Esq.
Kaden McClosky, P.A.
200 E. Broward Boulevard
Suite 1300
Fort Lauderdale, FL 33301

Return to:
Town of Davie Administrative Services
6591 Orange Drive
Davie, Florida 33314

Do Not Write in this Space

UTILITY EASEMENT AGREEMENT

Utility Easement

This utility easement executed this 27 day of April, 2010, by and between **NOVA SOUTHEASTERN UNIVERSITY, INC.** a Florida non-profit corporation, ("GRANTOR"), whose address is 3301 College Avenue, Davie, Florida 33314, in which Grantors swear that Grantors are the legal owners of the referenced property and convey to the **TOWN OF DAVIE**, Florida, municipal corporation, located in Broward County at Orange Drive, Davie, Florida [Grantee] an utility easement.

Grantors warrant that Grantors are the fee owners of certain real estate situated in the Town of Davie, County of Broward, State of Florida, which is legally described in Exhibit A attached hereto and incorporated herein by reference, referred to hereinafter as the "easement premises"; and

Grantors hereto have determined that it is in Grantors best interests for the grantors to grant the Town of Davie an easement in and along the easement premises for utility purposes:

Therefore, in consideration of the foregoing:

1. The grantors hereby grant and convey to the Town of Davie a perpetual utility easement (which can be over, under and across the easement premises), including the right to ingress and egress to the easement, for construction, reconstruction, alteration, maintenance and repair (to the extent the Town of Davie considers desirable) of pipes and other necessary or desirable appurtenances to and/or for a utility system and/or utility facilities, the easement premises being described as follows which are located in Broward County, Florida:

Exhibit A – easement premises legal description

2. All rights, title and privileges to the easement herein granted shall run with the land and shall be binding upon Grantors and all persons claiming by, through or under Grantors and inure to the benefit of the Town of Davie, Florida, its successors and assigns. Grantor will defend the title to said easement against all persons claiming by, through or under Grantor.

Utility Easement Agreement

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals to this Utility Easement this _____ day of _____, 2010.

WITNESSES:

Signature: Carol Lawson
Print Name: Carol Lawson
Signature: Marcia White
Print Name: Marcia White

STATE OF FLORIDA
COUNTY OF BROWARD

THE FOREGOING instrument was acknowledged before me this 4th day of April, 2010 by Carol Lawson as VP of Facilities, NOVA SOUTHEASTERN UNIVERSITY, INC., a Florida non-profit corporation, on behalf of the corporation. (He/she is personally known to me.)



Signature of Notary Public: [Signature]
Print Name of Notary Public: Debra L. White

GRANTOR:

NOVA SOUTHEASTERN UNIVERSITY, INC.,
a Florida non-profit corporation

By: John J. Santilli, Jr.
Print Name: John J. Santilli, Jr.
Title: Vice President
Date: 4-27-2010

WITNESSES:

Signature: _____
Print Name: _____

GRANTEE:

TOWN OF DADE,
a Municipal Corporation of the State of Florida

Signature: _____
Print Name: _____

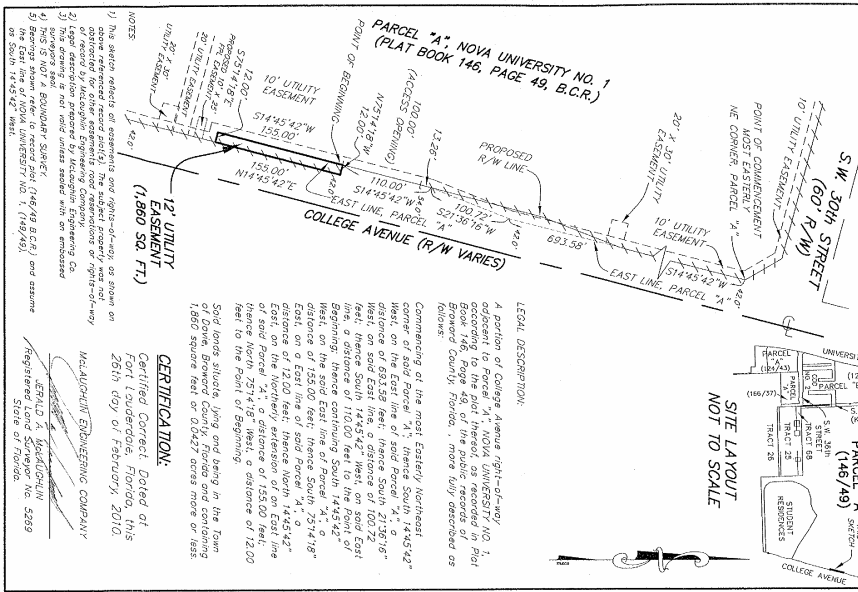
By: _____
Printed Name and Title: _____
Date: _____

BM72149423

McLAUGHLIN ENGINEERING COMPANY
1B#285
ENGINEERING • SURVEYING • PLANNING • LAND PLANNING
400 N.E. 3rd Avenue, Fort Lauderdale, Florida 33301
Phone (954) 763-7611 • Fax (954) 763-7615

SCALE 1" = 100'

SKETCH AND DESCRIPTION
12' UTILITY EASEMENT
COLLEGE AVENUE AT NOVA UNIVERSITY



LEGAL DESCRIPTION:

A portion of College Avenue (181'-150') adjacent to Parcel "A", NOVA UNIVERSITY, INC. 1, according to the plat thereof, as recorded in Plat Book 146, Page 49, of the public records of Dade County, Florida, more fully described as follows:

Commencing at the most easterly Northwest corner of said Parcel "A", thence South 14.4542° West, on the East line of said Parcel "A", a distance of 833.59 feet; thence South 21.9519° West, on the East line of said Parcel "A", a distance of 110.00 feet to the Point of Beginning; thence continuing South 14.4542° East, on a East line of said Parcel "A", a distance of 12.00 feet; thence North 14.4542° East, on a East line of said Parcel "A", a distance of 155.00 feet; thence North 75.7418° West, on a East line of said Parcel "A", a distance of 155.00 feet to the Point of Beginning.

Said lands situate, lying and being in the Town of Dade, Broward County, Florida and containing 1,660 square feet or 0.0427 acres more or less.

CERTIFICATION:

Certified Correct: Dated at Fort Lauderdale, Florida, this 26th day of February, 2010.

McLAUGHLIN ENGINEERING COMPANY
ARTHUR A. McLAUGHLIN
Registered Land Surveyor No. 5585
State of Florida